

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DENNIS EARL DORSEY, JR.,	)	
	)	CASE NO. C12-2258-JCC-MAT
Plaintiff,	)	
	)	
v.	)	ORDER DENYING REQUEST FOR
	)	APPOINTMENT OF COUNSEL
DR. DAVID FLEMING, et al.,	)	
	)	
Defendants.	)	
_____	)	

This matter comes before the Court on plaintiff's request for appointment of counsel. The Court, having reviewed plaintiff's request and the balance of the record, does hereby find and ORDER as follows:

(1) Plaintiff's requests for appointment of counsel (Dkts. 11, 14) are DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of

01 exceptional circumstances requires an evaluation of both the likelihood of success on the merits  
02 and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the  
03 legal issues involved. *Wilborn*, 789 F.2d at 1331.

04 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that,  
05 in light of the complexity of the legal issues involved, he is unable to articulate his claims *pro*  
06 *se*. Thus, plaintiff has not demonstrated that this case involves exceptional circumstances  
07 which warrant appointment of counsel at the present time.

08 (2) The Clerk shall direct copies of this Order to plaintiff and to the Honorable John  
09 C. Coughenour.

10 DATED this 7th day of March, 2013.

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13 Mary Alice Theiler  
14 United States Magistrate Judge  
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